

राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जुडिशल कमिश्नरज कोर्ट द्वारा अधिसूचनाएं इत्यादि ।

JUDICIAL COMMISSIONER'S COURT

NOTIFICATION

Simla-1, 22nd/24th April, 1954

No. J C- 4 (6)/1952.—In exercise of the power conferred by section 139 (b) of the Code of Civil Procedure Act V of 1908, the Judicial Commissioner. Himachal Pradesh, has been pleased to appoint for a period of two years from 1st January. 1954, the following Legal Practitioners, as Commissioners for administering Oaths and affirmations to deponents of affidavits under the said Code in accordance with the terms specified in paragraph 5 of Chapter-12-B, High Court Rules and Orders,

Volume IV, as applied to Himachal Pradesh, within the local limits of the places noted agianst their names.

Name of Legal Practitioners Place and District

- 1. Sri Shri Kanth, Chamba, District Chamba, Pleader. Himachal Pradesh.
- 2. Shri Rajkumar Ma- Chamba, Distt. Chamba hajan, B A., LL. B., Himachal Pradesh.
- 3. Shri Rattan Lal Mandi, Distt. Mandi, B.A., LL. B., Himachal Pradesh.

By order, H. L. SONI, Registrar.

HIMACHAL PRADESH GOVERNMENT Home, Gazette and Transport Department

NOTIFICATIONS

Simla-4, the 21st may, 1954

No. HGT-8-3/49.— Shri Hans Raj Mahajan, Magistrate 1st Class, Solan, District Mahasu, has been granted earned leave for 13 days with effect from the 22nd February, 1954, to the 6th March, 1954, with permission to prefix and suffix Sundays falling on the 21st February, 1954, and the 7th March, 1954.

Simla-4, the 21st may, 1954

No. HGT-8-3,49.—On return from 13 days' earned leave, Shri Hans Raj Mahajan assumed charge of the post of Magistrate 1st Class, Solan, District Mahasu, on the forenoon of the 8th March, 1954.

By order, SHIV SINGH, P. C. S., Assistant Secretary (Home.

Establishment Branch

NOTIFICATION

Simla-4, the 24th May, 1954

No. A-29-1/52.—Shri Mangat Rai, I. A. S., Chief Secretary to Government, Himachal Pradesh, will function as Judicial Secretary, Himachal Pradesh Government, in addition to his own duties, during the absence of Shri Mahesh Chandra, Judicial Secretary, who proceeded on 16 (sixteen) days' leave on average pay with effect from the 18th M y, 1954.

R. S. BHANDARI, Officer on Special Duty.

Development Department

NOTIFICATION

Simla-4, the 27th May, 1954

No. D-108-354/54. The Lieut.-Governor, Himachal Pradesh is hereby pleased to extend the period of appointment of Doctor Miss. C. M. Malhotra as a temporary Lady C.A.S. Class I (Gazetted) (which is a sub-division of Class II Service) in the Community Project, Himachal Pradesh, with her headquarters at Paonta Block, Nahan, in the scale of Rs. 250-20-330/20-430/20-550 notified in this office Notification of even number, dated 30-1 54 from 1-3-54 to 31-8-54.

By order,
M. M. CRISHNA,
Secretary.

Medical and Public Health Department

NOTIFICATION

Simla-4, the 26th May, 1954

No. M-1-32/52.—In exercise of the powers conferred by section 30 (1) of the Pharmacy Act, 1948, the Lieutenant-Governor, Himachal Pradesh, is pleased to constitute a Registration Tribunal consisting of the undernoted three officials and appoint Medical Officer, Himachal Pradesh Secretariat Dispensary, as a Registrar who shall act as Secretary of the Registration Tribunal, for the purpose of preparing the first register of pharmacists.

- 1 Director of Health Services, Himachal Pradesh.
- 2 Assistant Director of Health Services (Public Health), Himachal Pradesh.
- 3 The District Medical Officer, Mahasu District, Simla.

PREM RAJ MAHAJAN
Assistant Secretary (Medical)

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यत्तों और जिला मैजिस्ट्रें ट्रों द्वारा अधिसचनाएं

Forest Department

NOTIFICATION Simla-4, the 20th May, 1954

No. Ft-29-237/48.—Shri Laiq Ram, P. F. S. (II), attached Officer, Jubbal Forest Division, Chopal, is granted 4 days' earned leave from 28-10-1953 to 31-10-1953 both days inclusive.

SANT RAM,

Chief Conservator of Forests.

Office of the District Magistrate, Mahasu

District

NOTIFICATION

Kasumpti, the 21st May, 1954

No. 21-(41)/48-SW 166.—In exercise of the Powers u/s 190 (2) of the Criminal Procedure Code I, Raghubir Singh, District Magistrate, Mahasu, authorise the Magistrates 2nd Class of Tehsils Chini, Jubbal, Chopal, Arki and the Magistrates of the 3rd Class of Sub-Tehsils Suni, Kumarsain and Kotkhai to take cognizance of the cases within their jurisdiction

u/s 190)(1) (a) and (b) of the Code of Criminal Procedure, 1898 with effect from the issue of Government Notification No. R. 86-17/54,

dated the 1st February, 1954.

RAGHUBIR SINGH, District Magistrate.

भाग 3—अधिनियम, विधेयक, और विधेयकों पर प्रवर ममिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपराज्यपाल, जुडिशल कमिश्नरज कोर्ट, फाइनेन्शल कमिश्नर, कमिश्नर आफ, इनकम टैक्स द्वारा अधिस्चित आदेश इत्यादि।

Law Department

NOTIFICATIONS

Dated, the 29th April, 1954

LR-1-17/54.—In pursuance of section 33-A of the Government of Part 'C' States Act, 1951, the Lieutenant-Governor is pleased to order the publication of the following English translation of the Himachal Pradesh Panchayat Raj (Sanshodhan) Adhiniyam. [The Himachal Pradesh Panchayat Raj (Amendment) Act], 1953, as passed by the Himachal Pradesh Legislative Assembly, and assented to by the President on 22nd June, 1953.

Act, IX of 1953

Himachal Pradesh Panchayat Raj (Amendment) Act, 1953

AN

ACT

to amend the Himachal Pradesh Panchayat Raj Act, 1952

It is hereby enacted as follows:--

- 1. Short title, extent and commencement.—(i) This Act may be called the Himachal Pradesh Panchayat Raj (Amendment) Act, 1953.
 - (ii) It shall extend to the whole of the Himachal Pradesh.
 - (iii) It shall come into force at once.
- 2. In sub-section (1) of section 2 of the Himachal Pradesh Panchayat Raj Act, hereinafter called the said Act, between clauses (u) and (v) insert the following clause (uu):—

"State Government" means the Government of Himachal Pradesh.

3. In clause (n) of section 16 of the said Act, before the words "rendering assistance" insert the words "taking steps to prevent fire and".

Dated, the 29th April, 1954

LR-1-16/54.—In pursuance of section 33 A-of the Government of Part 'C' States Act, 1951, the Lieutenant-Governor is pleased to order the publication of the following English translation of the Himachal Pradesh Rajya Path Parwahan Adhiniyam (Himachal Pradesh State Road Transport Act), 1953, as passed by the Himachal Pradesh Legislative Assembly, and assented to by the President on 10th February, 1954.

Act. No. V. of 1954

Himachal Pradesh State Road Transport Act, 1953

AN ACT

to provide for State Road Transport Services in Himachal Pradesh

Whereas it is expedient in the interest of the general public and for the promotion of suitable and efficient road transport to provide for State Road Transport Services in Himachal Pradesh.

It is hereby enacted as follows:-

- 1. Short title, extent & commencement.—(1) This Act may be called the Himachal Pradesh State Road Transport Act, 1953.
 - (2) It extends to the whole of the Himachal Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, specify in this behalf.
- 2. Definitions.—In this Act unless there is anything repugnant in the subject or context:—
 - (a) "appointed date" means the date immediately preceding the commencement of this Act;
 - (b) "Gazette" means the official gazette for the Himachal Pradesh;
 - (c) "prescribed" means prescribed by rules made under this Act;
 - (d) "public service vehicle" has the meaning assigned to it in the Motor Vehicles Act, 1939, and also includes a public carrier vehicle;
 - (e) "route" means a road or roads, or part or parts of a road or roads over which a transport vehicle may be authorised to be used under a permit granted or which, but for this Act, would have been granted under the Motor Vehicle Act, 1939;
 - (f) "State Road Transport Service" means Transport Service by a public servcie vehicle owned by the State Government:
 - (g) "State Government" means the Government of Himachal Pradesh;
 - (h) "Transport Commissioner" means the Transport Commissioner of Himachal Government Transport, appointed by the State Government and includes any other officer who may be authorised by the State Govrenment to perform the functions of the Transport Commissioner under this Act; and

- (i) words and expressions not defined in this Act, but defined in the Motor Vehicles Act, 1939, have the meaning as signed to them in the said Act.
- 3. Powers of the State Government to run Road Transport Service.—Where the State Government is satisfied that it is necessary in the interest of general public and for sub-serving the common good so to direct, it may, by notification in the official Gazette, declare that the road transport services in general, or any particular class of such service on any route or portion thereof, as may be specified, shall be run and operated by the State Government exclusively or partly by the State Government and partly by others in accordance with the provisions of this Act.
- 4. Scheme of State Road Transport Services.—(1) As soon as may be after the publication of the notification under section 3, the State Government or if the State Government so directs, the Transport Commissioner, shall publish, in such manner as may be specified, a scheme as to the State Road Transport Service framed in pursuance of the declaration under section 3.
- (2) The scheme under sub-section (1) shall provide for all or any of the following matters, that is to say:
 - (a) the date on which the State Road Transport Service shall commence to operate;
 - (b) the route or any portion thereof on which the State Road Transport Service shall be provided;
 - (c) the State Road Transport Services which are to be provided on the route or any portion thereof and for prohibiting or restricting the provision on the route or its portion of transport services otherwise than under the scheme;
 - (d) the extent to which persons other than the State Government will be permitted to provide road transport services on the routes or any portion thereof specified in clause (b):
 - (e) the road transport services which will be provided by the State Government exclusively or by the State Government in conjunction with Railway;
 - (f) the type and carrying capacity of transport vehicles to be used in such services;
 - (g) the cancellation or the modification of the existing permits granted under Chapter IV of the Motor Vehicles Act, 1939;
 - (h) the reduction in the number of transport vehicles plying on the route;
 - the curtailment of the route covered by the existing permits or transfer of the permits to any other route or routes;
 - (j) the convenience of the ordinary class of passengers; and
 - (k) such other consequential or incidental matters as may appear necessary or expedient for the purposes of the scheme.
- 5. Objections to the Scheme .--(1) Any person whose interests are affected may, within thirty days from the publication of the scheme, file objections to the same before the Transport Commissioner.
- (2) The State Government so directs, the prescribed authority, as the case may be, shall after having considered the objections either confirm, modify or alter the scheme.

- (3) The scheme as confirmed, modified or altered under sub-section (2) shall then be published in the Gazette, and the same shall thereupon become final and the route to which it relates shall be called a notified route.
- 6. Alteration or modification of Scheme.—(1) Any scheme published under sub-section (3) of section 5 may at any time be cancelled, altered or modified by the State Government or with the sanction of the State Government by the Transport Commissioner:

Provided that any increase or decrease merely in the number of road transport services run or operated by the State Government or by the State Government in conjunction with Railway or the transport vehicles used or their type or seating capacity or curtailment of any notified route shall not be deemed to be a modification or alteration of the scheme for the purposes of this section.

- (2) The procedure laid down in sections 4 and 5 shall, so far as can be made applicable, be followed in altering or modifying a scheme as if the alteration or modification were a separate scheme.
- 7. Consequence of the publication of the scheme under section 5.—(1) Upon the publication of the scheme under section 5 and for so long as it remains in force the consequences as hereinafter stated shall, with effect from the date of the commencement of the scheme, have effect in respect of the notified route.
 - (a) The State Government may, in the case of transport vehicles to be used by the State Government or by the State Government in conjunction with Railway provide for the dispensation from observance of the provisions of Chapter IV of the Motor Vehicles Act, 1939 as respects—
 - (i) the necessity of taking out or granting or countersigning permits;
 - (ii) the duration and renewal of permits;
 - (iii) the conditions attached to permits;
 - (iv) the cancellation and suspension of permits;
 - (v) the restriction on the number of permits, as it may notify in that behalf in the gazette.
 - (b) No person (other than the State Government either singly or in conjunction with Railway) shall except as may be provided under clause (c) be entitled to a permit under Chapter IV of the Motor Vehicles Act, 1931;
 - (c) The State Government may specify the number of transport vehicles, if any, for which the permits may be granted or counter-signed in favour of persons other than the State Government or the State Government and the Railway conjointly;
 - (d) The State Government or any officer or authority empowered by it in this behalf may, in the manner prescribed, cancel any permit or direct that any permit or class of permits shall not be renewed or shall not be effective beyond such date as may be specified or reduce and curtail the number of vehicles or routes covered by any permit or alter the conditions attached to any permit or attach any new condition to any permit granted under Chapter IV of the Motor Vehicles Act, 1939;

- (e) The State Government may, by notification in the official Gazette, direct that all or any of the functions, duties and powers under the Motor Vehicles Act, 1939 of the State Transport Authority, the Regional Transport Authority, the Registering Authority or the Licensing Authority shall to the extent and in the manner specified in the notification, be discharged, performed or exercised by such officer or other authority as may be specified in the notification:
- (f) The State Government may for purposes of this Act issue directions as it considers necessary, to the State Transport Authority, Regional Transport Authority or any other authority or officer and such officer or authority shall forthwith give effect to all such orders and directions.
- (2) Nothing in sub-section (2) of section 44 of the Motor Vehicles Act, 1939, shall apply to any officer or authority specified in the notification under clause (e) of sub-section (1).
- 8. Transport Commissioner.—(1) The State Government may appoint a Transport Commissioner for the purpose of this Act.
- (2) The Transport Commissioner shall perform such duties and exercise such powers as may be prescribed.
- 9. Appointment of Advisory Committees.—(1) The State Government may establish one or more Advisory Committees for different areas to make recommendations in regard to any matter affecting the efficiency of the service and the convenience of the public in general.
- (2) The Committee shall consist of such number of members as may be appointed by the State Government.
- (3) The term of the Committee or its members, the method of filling up casual vacancies, the procedure of its working and the conduct of its business shall be such as may be prescribed.
- 10. Delegation of powers.—The State Government may, by notification in the Gazette, delegate to an officer or authority subordinate to it, any of the powers conferred on it by this Act except those specified in section 3 and sub-section (2) of section 5 to be exercised subject to any restrictions and conditions as may be specified in the notification.
- 11. Repeals.—(1) Where there is any conflict or inconsistency between the provisions of this Act and the provisions of any other law, then the provisions of this Act shall prevail.
- (2) Any order made or deemed to be made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or any instrument having effect by virtue of such enactment.
- 12. Use of public service vehicle in contravention of section 7 is an offence.—(1) Whoever drives a public service vehicle or causes or allows a public service vehicle to be used in contravention of the provisions of clause (c) of sub-section (1) of section 7, shall be punishable with fine which may extend to five hundred rupees.
- (2) Nothing in this section shall apply to the use of any public service vehicles in any emergency for the conveyance of persons suffering from sickness or injury or for the transport of dead bodies or for the transport of medical supplies to relieve distress:

Provided that the persons operating the vehicles shall report such use to such authority, as may be prescribed, within seven days.

13. Validation.—(1) (a) Every—

- (i) State Road Transport Service commenced before the appointed date and operating on any route at such date, and
- (ii) order cancelling or having the effect of cancellation or curtailing any permit for transport vehicle, or attaching any new condition or altering the conditions already attached to any permit for such vehicle, and every order reducing or otherwise fixing the number of transport vehicles to be used in any route or changing the route relating to the permit, and every order refusing to renew any permit previously granted, made on or before the appointed date on account of the State Road Transport Service running and operating or commencing to run and operate on the route to which the permit related,

shall be and is hereby made and declared to be valid in law, any provision in the Motor Vehicles Act, 1939, or any other law notwithstanding; and

- (b) Every route on which the State Road Transport Service was operating on the appointed date and every such service shall for purposes of this Act, be deemed, as the case may be, to be a route specified in a notification under section 3, and the service operating under a scheme duly prepared and published under and in accordance with sections 4 and 5 provided that the State publishes in the Gazette within three months of the commencement of this Act a scheme as to the aforesaid road transport service providing as far as may be, for all or any of the matters specified in sub-section (2) of section 4 and the scheme so published shall be and be deemed to be the scheme duly confirmed and published under sub-section (3) of section 5 and the route to which it relates shall be called a notified route and the provisions of sections 6 and 7 shall be applicable thereto.
- (2) Any application for granting a permit for transport vehicle made whether before or after the commencement of this Act in respect of route, which is or is deemed to be a notified route, shall notwithstanding anything in the Motor Vehicles Act, 1939 or any judgment, decree or order of a court, be decided in accordance with the provisions of this Act as if the Act had been in force at all material dates.
- 14. Authorisation in respect of public carrier or contract carriage owned by State Government.—Without prejudice to the provisions of section 7, but notwithstanding anything contained in the Motor Vehicles Act, 1939, it shall be lawful for the Transport Commissioner or an officer appointed in that behalf by the Transport Commissioner to authorise a public carrier vehicle or contract carriage owned or hired by the State Government to be used on any or all routes in Himachal Pradesh and the public service vehicle aforesaid may then be so used as if the authorisation had been a permit granted under and in accordance with the provisions of the Motor Vehicles Act, 1939.
- 15. Power to make Rules.—(1) The State Government may make rules for purposes of carrying into effect the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing powers such rules may provide for—
 - (a) the form of the declaration under section;
 - (b) the form in which the scheme shall be published under sections 4 and 5;

- (c) the authorities, officers, and staff to be appointed for purposes of this Act and their powers and duties;
- (d) the conditions of service and qualifications of the officers and the staff appointed for purposes of this Act;
- (e) the delegation of powers conferred upon any officer or authority by or under this Act;
- (f) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority;
- (g) imposing time limits within which things to be done under this Act must be done with or without powers to any authority therein specified to extend limits imposed;
- (h) the procedure to be followed in application and other proceedings under this Act in cases for which no specified provisions have been made;
- (i) the fees, if any, to be paid in respect of any application or proceedings under this Act; and
- (j) matters which are to be prescribed.

भाग 4- स्थानीय स्थायत शासन : म्युनिसियल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटीफाइड और टाउन एरिया तथा पंचायत विभाग

शुन्य

भाग 5- वैयक्तिक अधिसूचनाएं श्रीर विज्ञापन

श्रु

भाग 6- भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

अनुपूरक (देखिये १५८ 294-**2**9**5**)

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